



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,337	12/02/2003	Yoshiki Kato	045237-0124	1380

22428 7590 06/21/2006

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

LEE, GUNYOUNG T

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,337	Applicant(s) KATO ET AL.	
	Examiner Gunyoung T. Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/01/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/01/2006 has been entered.

Response to Amendment

2. Applicant's amendment filed on Jun 1, 2006 has been entered:
- New claim 14 has been added;
 - Claims 1-10 and 14 are pending in this application, with claims 1-2 and 6-7 being independent.

Claim Objections

3. Claims 5 and 10 are objected to because of the following informalities:
- On lines 5-6 of claims 5 and 10, "not effectively" render the claims indefinite, because the word "effective" is very subjective. For instance, a headlight beam with a certain level of intensity is effective for one driver, but the beam may not be effective for another driver due to its insufficient intensity.

Appropriate corrections are required.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

5. Claims 1, 3, 6, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindae et al. (US 4,697,225) in view of Ishida (US 6,626,565).
6. In regard to claims 1, 3, 6, 8 and 14, Lindae et al. disclose a headlamp having:
- A light source (9);
 - A reflector (7) including a reflection surface for reflecting light from the light source (9);
 - A lens (17) that irradiates reflected light from the reflection surface (7) forward;
 - Wherein the reflection surface includes a plurality of segments (11-16) (col. 2, lines 31-35) and is formed of free-form surface (asymmetrical shape);
 - Wherein the light source (9) is arranged between a first focal point of the reference ellipsoid of revolution and the projection lens (17), and closer to the first focal point than to the lens (17) (col. 2, lines 24-29);
 - Wherein segments forming one end (23) and other (24) end portions of a light distribution pattern include a wide area-illuminating reflection surface (13, 14) that makes the one end (23) and the other end (24) portions substantially a rectangular shape;
 - Wherein the other end portion (24) is opposite to the one end portion (23) with respect to the center (VV) of the light distribution pattern;
 - Wherein the reflector (7) has a second focal point (col. 1, line 68 – col. 2, line 4).
7. However Lindae et al. do not expressly disclose that the lens (17) is a condenser lens. Ishida discloses a vehicle headlamp having a condenser lens (72). It would have

Art Unit: 2875

been obvious to one of ordinary skill in the art at the time the invention was made to use the condenser lens of Ishida for the headlamp of Lindae et al., for the purpose of providing condensed light to a point close to the optical axis of the reflector.

8. In regard to applicant's argument that the prior art fails to show forming the reflector "by deforming a reference ellipsoid of revolution", it is noted that "even though product-by-process claims are limited by and defined by the process, determination of **patentability** is based on the **product itself**" (MPEP § 2112.02). Therefore, the process "by deforming a reference ellipsoid of revolution" has been given little patentable weight, since the claimed reflector (final product) of the invention is not patentably distinguishable from that of the prior art. It is noted that the original shape is largely irrelevant and does not offer any specifics for a final shape after deformation. The present claims do not offer any instructions on how the shape is deformed to reach any particular final shape.

9. Claims 2, 4-5, 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindae et al. (US 4,697,225) and Ishida (US 6,626,565) as applied to claims 1 and 6 above, and further in view of Takatsuji et al. (US 4,972,307).

10. In regard to claims 2, 4-5, 7 and 9-10, Lindae et al. further disclose:

- Wherein the reflection surface includes a first continuous segment (either 15 or 16) that forms light at a center portion (25 and 26 respectively) of the light distribution pattern, a second continuous segment (either 11 or 12) that forms spot light (21 and 22 respectively) at the center portion, a third segment (13) that

forms the one end portion (23), and a fourth segment (14) that forms the other end portion (24).

11. Therefore, Lindae et al. and Ishida disclose the invention substantially as claimed except for the segments including a diffuse reflection surface and forming diffused light in a light distribution pattern. Takatsuji et al. disclose a headlamp having the segments including a diffuse reflection surface (31, 36) and forming diffused light in a light distribution pattern (col. 4, lines 54-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the diffuse reflection surfaces of Takatsuji et al. for the headlamp of Lindae et al. modified by Ishida, for the purpose of providing sufficient illumination on the running road as well as on both sides of the road.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2875

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
6/15/2006



RENEE LUBKE
PRIMARY EXAMINER